

## REMARKS

### Summary

Claims 2-6 are pending in the application and all of the claims were rejected in the present Office Action. Claim 2 has amended. No new matter has been added as a result of this amendment. The Applicant has carefully considered the references and the reasons for rejection advanced by the Examiner, and respectfully traverses the rejections in view of the amendment and discussion presented below.

### Common Ownership of the Present Application and Cited Prior Art

The present application and U.S. Patent No. 6,330,046 were, at the time the present invention was made, both owned by a common assignee, Alps Electric Co., Ltd.

### Claim Rejections

#### 35U.S.C. §102(e)

Claims 2-5 were rejected under 35 U.S.C. §102(e) as being anticipated by Ishitaka et al (U.S. pat. 6,330,046). The Applicant respectfully submits a *prima facie* case of anticipation has not been made out.

Claim 2 recites that a reflective liquid crystal display device comprises a liquid crystal layer enclosed with a pair of substrates arranged opposing to each other, a seal member provided on a periphery portion of the pair of substrates, and at least an organic film, a reflective metal film, an overcoat film, an electrode layer, and an orientation film laminated on a liquid crystal layer side of one substrate of the pair of substrates. Additionally, claim 2 recites that the organic film has an outer periphery end portion and the outer periphery end portion of the organic film is located in an inside portion of an inner perimeter side of the seal member provided on the periphery portion of the substrates in a plan view of the substrates.

The Examiner states that Ishitaka discloses a reflective LCD device comprising : a liquid crystal layer 2 enclosed with a pair of substrates 1a & 1b arranged opposing to each other; a seal member 3 provided on periphery portion of the pair of substrates; at least an organic film 41, a reflective metal (Al) film 51, an overcoat film 61, an electrode layer 91a, and an orientation film 41a on the liquid crystal layer side of one substrate of the pair of substrates; and the organic film is formed in the region inside the end of an inner perimeter side of the seal member provided on the periphery portion of the substrate. However, carefully looking at FIG. 1, 9, 11 and 13 in the Ishitaka reference, the outer periphery end portion of the organic film in the structure of the Ishitaka reference extends beyond an inside portion of an inner perimeter side of the seal member provided on the periphery portion of the substrates. Therefore, the Ishitaka reference only shows a structure where the outer periphery end portion of the organic film extends beyond the inner perimeter of the seal member and overlaps the seal member in a plan view of the substrates.

On the other hand, Claim 2 has a distinctive structure from the Ishitaka reference; the organic film in claim 2 has an outer periphery end portion and the outer periphery end portion of the organic film is located in an inside portion of an inner perimeter side of the seal member provided on the periphery portion of the substrates in a plan view of the substrates.

Since the Ishitaka reference does not teach nor suggest all of the elements of the present claim 2, and the arrangement thereof, a *prima facie* case of anticipation has not been made out. Claims 3-5, being dependent on further limiting on Claim 2, are allowable without more.

### **35U.S.C. §103**

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ishitaka et al as applied to claims 2-5 above, and further in view of Hatanaka et al(U.S.pat. 6,597,421).

However, as stated above, the Ishitaka et al reference and the present invention, at that time present invention was made, were both owned by the same assignee, Alps Electric Co., Ltd. Under 35 U.S.C. §103(c), the Ishitaka et al reference may not be used

in an obviousness-type 103(a) rejection. Therefore, claim 6 is also patentable for this reason.

For at least these reasons, none of the prior art cited by the Examiner, alone or in combination, anticipates or suggests the arrangement of independent claim 2 and dependent claims 3-6.

## **Conclusion**

In view of the amendments and arguments above, Applicant respectfully submits that pending claims 2-6 are in condition for allowance and seek an early allowance thereof. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,



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